

Message Text

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SUBJ: RULES GOVERNING NATO INFRASTRUCTURE INTERNATIONAL COMPETITIVE
BIDDING

REFS: A. ATHENS 1775, 041239Z MAR 75

B. ATHENS 1776, 051240Z MAR 75

C. ATHENS 1885, 071545Z MAR 75

D. NATO DOCUMENT AC/4-D/1384 (FINAL)

E. NATO DOCUMENT AC/4-D/2261 (FINAL)

SUMMARY. GREEK AUTHORITIES ARE OPERATING UNDER CURRENT NATO RULES
(REF D) FOR INFRASTRUCTURE INTERNATIONAL COMPETITIVE BIDDING.

NEW REVISED RULES (REF E) COME INTO EFFECT ON 17 MARCH. MISSION
RECOMMENDS NO FURTHER REVISIONS TO THESE RULES UNTIL WE HAVE
GAINED EXPERIENCE IN THEIR APPLICATION. END SUMMARY.

1. CURRENT NATO RULES GOVERNING INTERNATIONAL COMPETITIVE BIDDING
(ICB) FOR INFRASTRUCTURE PROJECTS ARE GIVEN IN REF D WHICH INFRA-
STRUCTURE COMMITTEE APPROVED IN 1961. PERTINENT CLAUSE COVERING
TIME PERIOD FOR COMPANIES TO DECLARE THEIR INTEREST IN A PRO-
POSED NATO ICB IS PARA 6(II), WHICH PROVIDES FOR A MINIMUM
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TIME OF THREE WEEKS, UNLESS PROJECT IS
CLASSIFIED, IN WHICH CASE MINIMUM TIME IS FOUR WEEKS.

2. USMISSION HAS BEEN ACTIVELY ENGAGED FOR LAST SEVERAL YEARS IN

PRESSING FOR A REVISION TO REF D, AND HAS BEEN SUCCESSFUL IN OBTAINING A NEW SET OF ICB RULES WHICH, IN OUR VIEW, REPRESENT

A CONSIDERABLE IMPROVEMENT. THESE NEW RULES ARE SET FORTH IN REF E, WHICH INFRASTRUCTURE COMMITTEE APPROVED (EXCEPT FOR ANNEX II ON EXCHANGE RISKS) ON 17 SEPTEMBER 1974, WITH UNDERSTANDING THAT HOST NATIONS WOULD IMPLEMENT THESE RULES AS SOON AS POSSIBLE AND NO LATER THAN 17 MARCH 1975. (DISCUSSION ON ANNEX II IS CONTINUING IN INFRASTRUCTURE COMMITTEE BUT DOES NOT AFFECT APPLICABILITY OF BALANCE OF DOCUMENT). PERTINENT CLAUSE IN REF E COVERING TIME PERIOD FOR DECLARATION OF INTEREST IN PARA 7(I) WHICH PROVIDES FOR A MINIMUM TIME OF FOUR WEEKS, UNLESS PROJECT IS CLASSIFIED, IN WHICH CASE MINIMUM TIME IS FIVE WEEKS.

3. FROM ABOVE IT IS CLEAR THAT GREEK AUTHORITIES ARE NOT YET REQUIRED TO APPLY THE NEW RULES IN REF E TO THE NATO TENDERS DESCRIBED IN REFS A AND B. SINCE TIME SPAN FROM 5 MARCH TO 29 MARCH IS IN FACT 24 DAYS, THEY HAVE IN ANY CASE EXCEEDED THE MINIMUM THREE WEEKS TIME REQUIRED BY OLD RULES. IN THE EVENT, HOWEVER, THAT US FIRMS WILL REQUIRE ADDITIONAL TIME IN WHICH TO DETERMINE THEIR INTEREST IN PROJECTS DESCRIBED IN REFS A AND B, USMISSION CAN REQUEST AN EXTENSION OF DEADLINE FROM GREEK DELEGATION HERE, AND WILL DO SO IF DEPARTMENT OF COMMERCE SO REQUESTS AND PROVIDES APPROPRIATE JUSTIFICATION.

4. IN PAST, TIME PERIODS PROVIDED UNDER OLD RULES (REF D) HAVE PROVEN ADEQUATE FOR US FIRMS AND DIFFICULTIES HAVE SELDOM ARISEN. IN THOSE FEW CASES WHERE ADDITIONAL TIME HAS BEEN REQUIRED FOR GOOD REASONS, MISSION HAS BEEN SUCCESSFUL IN OBTAINING EXTENSION. SINCE NEW RULES, REF E, REPRESENT RESULT OF LONG DISCUSSION AND NEGOTIATION IN INFRASTRUCTURE COMMITTEE, MISSION RECOMMENDS US PROPOSE NO FURTHER REVISION TO REF E UNTIL SUCH TIME AS WE HAVE HAD EXPERIENCE WITH ITS APPLICATION. BRUCE

UNCLASSIFIED

<< END OF DOCUMENT >>

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Reference: A. ATHENS 1775, 041239Z MAR 75 B. ATHENS 1776, 051240Z MAR 75 C. ATHENS 1885, 071545Z MAR 75 D. NATO DOCUMENT AC/4-D/1384 (FINAL) E. NATO DOCUMENT AC/4-D/2261 (FINAL)
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